

~~~~~

Signature 5-10-05  
Date

## 1 / 3

1. This Information Disclosure Statement is submitted:
- a. ☐ within 3 months of the filing date of a national application other than a continued prosecution application under § 1.53(d);  
☐ within 3 months of the date of entry of the national stage as set forth in § 1.491 in an International application;  
☒ before the mailing date of a first Office Action on the merits; or  
☐ before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
  - b. ☐ after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus: ☐ the certification of paragraph 2 below is provided, or ☐ a fee of \$180.00 is enclosed.
  - c. ☐ after the mailing date of a final Office Action or a Notice of Allowance and prior to payment of the issue fee, and thus: the certification of paragraph 2 below is provided and a fee of \$180.00 is enclosed.

2. It is hereby certified:

- ☐ that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty (30) days prior to the filing of the information disclosure statement;
- ☐ that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the Statement; or
- ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56 (c) more than three (3) months prior to the filing of the Statement.

3. ☐ Consideration of the following additional information (including any co-pending or abandoned U.S. applications, prior uses and/or sales, etc.) is requested:

4. For each non-English language reference listed on the attached Form PTO-1449:

- ☐ reference is made to an English language translation submitted herewith, and/or
- ☐ reference is made to a foreign patent office search report (in the English language) submitted herewith, and/or
- ☐ reference is made to an English language translation of a foreign patent office search report submitted herewith, and/or

- ☐ reference is made to the concise explanation contained in the specification of the present application at page(s) \_\_\_\_\_, and/or
- ☐ reference is made to the concise explanation set forth below:
5. ☐ Applicant also offers the following comments for the Examiner's consideration:
6. ☐ Also enclosed is a copy of a foreign search report citing these references.
7. ☐ The listed documents were brought to the attention of the Applicant(s) after payment of the issue fee in the captioned case. The documents were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Applicant(s) request this Information Disclosure Statement and attached Form PTO-1449 be placed in the file of the captioned application.
8. ☐ Applicant(s) requests that the Information Disclosure Statement and attached Form PTO-1449 and references, which are being filed before the grant of the patent and pursuant to 37 C.F.R. § 1.97(i), be placed in the file of the captioned application.

If any required fees are missing, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/5760-20100/BNK.

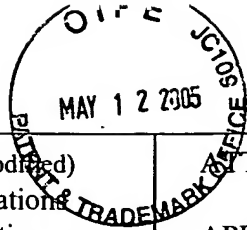
Respectfully submitted,



B. Noel Kivlin  
Reg. No. 33,929  
Attorney for Applicant(s)

MEYERTONS, HOOD, KIVLIN,  
KOWERT & GOETZEL, P.C.  
P. O. Box 398  
Austin, Texas 78767  
(512) 853-8800

Date: 5-10-05

**Form PTO-1449** (modified)  
List of Patents and Publications  
For Applicant's Information  
Disclosure Statement  
(Use several sheets if necessary)

PATENT NO. 5760-20100

APPLICANT: Spertus, et al.

FILING DATE: February 27, 2004

SERIAL NO. 10/789,902

GROUP: 2141

**U.S. PATENT DOCUMENTS**

| EXAM.<br>INITIALS | REF.<br>DES. | DOCUMENT NUMBER | DATE       | NAME            | CLASS | SUB<br>CLASS | FILING DATE<br>APPROPRIAT |
|-------------------|--------------|-----------------|------------|-----------------|-------|--------------|---------------------------|
|                   |              | 6,405,327       | 06/11/2002 | Sipple, et al.  |       |              |                           |
|                   |              | 5,655,081       | 08/05/1997 | Bonnell, et al. |       |              |                           |
|                   |              |                 |            |                 |       |              |                           |
|                   |              |                 |            |                 |       |              |                           |
|                   |              |                 |            |                 |       |              |                           |
|                   |              |                 |            |                 |       |              |                           |
|                   |              |                 |            |                 |       |              |                           |
|                   |              |                 |            |                 |       |              |                           |
|                   |              |                 |            |                 |       |              |                           |
|                   |              |                 |            |                 |       |              |                           |
|                   |              |                 |            |                 |       |              |                           |
|                   |              |                 |            |                 |       |              |                           |
|                   |              |                 |            |                 |       |              |                           |
|                   |              |                 |            |                 |       |              |                           |
|                   |              |                 |            |                 |       |              |                           |

**FOREIGN PATENT DOCUMENTS**

| EXAM.<br>INITIALS | REF.<br>DES. | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB<br>CLASS | TRANSLATIO<br>YES/NO |
|-------------------|--------------|-----------------|------|---------|-------|--------------|----------------------|
|                   |              |                 |      |         |       |              |                      |
|                   |              |                 |      |         |       |              |                      |
|                   |              |                 |      |         |       |              |                      |

**OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)**

|  |    |                                                                                                                                                                                              |
|--|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | A1 | Rational Software Corporation; Rational PurifyPlus, Rational Purify, Rational PureCoverage, Rational Quantify; Installing and Getting Started; June 2003; Chapter 2, pgs. 31-52.             |
|  | A2 | "Performance Analysis of Distributed Applications with ANSAmon"; B. Meyer, M. Heineken, and C. Popien; February 1995; Aachen University of Technology, Computer Science IV; Aachen, Germany. |
|  |    |                                                                                                                                                                                              |
|  |    |                                                                                                                                                                                              |

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the patent owner.